

Assembly Bill No. 2485

CHAPTER 578

An act to add Sections 17212.1 and 17212.2 to the Education Code, relating to schools.

[Approved by Governor September 18, 2004. Filed
with Secretary of State September 18, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2485, Chan. Schools: environmental and endangerment assessments.

The existing Leroy F. Greene School Facilities Act of 1998 (Greene Act of 1998) makes funding available to eligible school districts for various purposes related to school facilities. Existing law establishes, as a condition of the receipt of state funding under the Greene Act of 1998, that the governing board of a school district comply with prescribed provisions relating to an environmental or endangerment assessment of a proposed schoolsite prior to acquisition of the site. The evaluation of a proposed schoolsite is required to include the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project. The governing board of a school district may not approve a project involving the acquisition of a schoolsite unless it determines the property does not contain a pipeline, situated underground or aboveground, that carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood. The governing board of a school district is required to undertake steps to identify any permitted or nonpermitted facility, including railyards, that are within $\frac{1}{4}$ of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or acutely hazardous materials, substances, or waste.

This bill would authorize the governing board of a school district to make a written request to any person, corporation, public utility, local publicly owned utility, or governmental agency for information necessary or useful to make an assessment of a proposed schoolsite or an addition to an existing schoolsite, pursuant to these provisions. The bill would require any person, corporation, public utility, local publicly owned utility, or governmental agency receiving a written request for information to provide a written response within 30 calendar days of

receipt of the request or within any additional grant of time given by the governing board of the school district. The bill would authorize a school district to bring a complaint before the appropriate regulatory agency or legislative body for a violation of these reporting requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 17212.1 is added to the Education Code, to read:

17212.1. It is the intent of the Legislature that corporations, public utilities, local publicly owned utilities, governmental agencies, and school districts work collaboratively in assessing the safety of a proposed schoolsite or addition to an existing schoolsite.

SEC. 2. Section 17212.2 is added to the Education Code, to read:

17212.2. (a) The governing board of a school district may make a written request upon person, corporation, public utility, local publicly owned utility, or governmental agency for information necessary or useful to assess and determine the safety of a proposed schoolsite or an addition to an existing schoolsite, pursuant to Section 17251 and this chapter, including pipelines, electric transmission and distribution lines, railroads, and storage tanks. The written request shall identify the physical location of the schoolsite for which information is sought, describe the information sought, and contain a statement as to why the information is needed or useful. Information requested may include all of the following:

(1) Railroad operations involving hazardous or toxic materials, as reported to a governmental agency; frequency, speed, and schedule of railroad traffic; grade, curves, and condition of railroad tracks; and railroad accident occurrence.

(2) Whether there are existing pipelines, planned pipelines, or easements for pipelines on, or in proximity to as specified pursuant to regulations promulgated pursuant to Section 17251, the schoolsite, including the location of the pipeline, the age of the pipeline, the pipeline material, the class of pipeline, the diameter of the pipeline, the depth at which the pipeline is buried, the wall thickness of the pipeline, the product or products transported by the pipeline, the operating pressure of the pipeline, the history of spills or leaks of material being transported by the pipeline, as reported to a governmental agency, and the location of the shutoff valves for the pipeline that are capable of preventing or halting the transport of product or products to the schoolsite.

(3) Whether there are easements for, planned, or existing lines for the transmission or distribution of electricity, electrical transformers, or electrical substations, on, or in proximity to as specified pursuant to



regulations promulgated pursuant to Section 17251, the schoolsite, the location of easements for, planned or existing lines, transformer, or substation, the voltages currently handled or planned to be handled by the line, transformer, or substation, the ground clearance, if applicable, of a line, transformer, or substation, and the depth of burial, if applicable, of the line, transformer, or substation as specified by the Public Utilities Commission.

(4) The location, age, construction type, safety record, and product stored in a storage tank.

(b) A person, corporation, public utility, local publicly owned utility, or governmental agency receiving a written request for information pursuant to this section, shall provide a written response within 30 calendar days of receipt of the request, that provides the requested information, identifies available public information or an available report to a governmental agency, or provides written justification why the requested information is not being provided. A claim that the requested information is proprietary or confidential is a legitimate justification for the requested information to not be provided. The governing board of a school district may grant additional time to respond to a request for information pursuant to this section.

(c) A school district may file a complaint with the appropriate regulatory agency or legislative body for a violation of the requirements of this section. The regulatory agency or legislative body may appoint a representative to work toward informally resolving the complaint.

